

PATENT

Practitioner's Docket No.: 28698-705.302

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

The undersigned ASSIGNEE of the entire interest in:

☐ U.S. Patent No.☒ U.S. application no. 10/602,998; filed on June 23, 2003

hereby appoints all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, as associated with Customer No. 021971, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

☒ a copy of an Assignment attached hereto, which Assignment the Application has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or☐ the Assignment recorded on _____ at real _____ frames _____

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, this is in the identified ASSIGNEE.

CHANGE OF CORRESPONDENCE ADDRESS

Direct all correspondence and telephone calls to:

Name	Albert P. Halluin (Reg. No. 25,227)					
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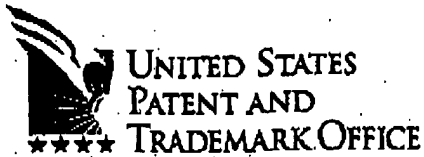
ASSIGNEE: METRIGEN, INC.

Name: Nathan Hamilton
Print

Signature
Title: PresidentDate: 10-26-04

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MAY 21, 2003

PTAS

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RECORDATION DATE: 01/09/2003

REEL/FRAME: 013663/0689
NUMBER OF PAGES: 13

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

PROTOGENE LABORATORIES, INC.

DOC DATE: 12/20/2002

ASSIGNEE:

METRIGEN, INC.
1245 LINCOLN AVENUE
PALO ALTO, CALIFORNIA 94301

SERIAL NUMBER: 09715426
PATENT NUMBER:

FILING DATE: 11/16/2000
ISSUE DATE:

SERIAL NUMBER: 09264388
PATENT NUMBER:

FILING DATE: 03/08/1999
ISSUE DATE:

SERIAL NUMBER: 09519927
PATENT NUMBER:

FILING DATE: 03/07/2000
ISSUE DATE:

SERIAL NUMBER: 09684736
PATENT NUMBER:

FILING DATE: 10/06/2000
ISSUE DATE:

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SERIAL NUMBER: 09686597
PATENT NUMBER:

FILING DATE: 10/10/2000
ISSUE DATE:

SERIAL NUMBER: 09645021
PATENT NUMBER:

FILING DATE: 08/23/2000
ISSUE DATE:

SERIAL NUMBER: 08068540
PATENT NUMBER: 5474796

FILING DATE: 05/27/1993
ISSUE DATE: 12/12/1995

SERIAL NUMBER: 08465761
PATENT NUMBER: 5985551

FILING DATE: 06/06/1995
ISSUE DATE: 11/16/1999

SERIAL NUMBER: 08792356
PATENT NUMBER: 6001311

FILING DATE: 02/05/1997
ISSUE DATE: 12/14/1999

SERIAL NUMBER: 08970115
PATENT NUMBER: 6177558

FILING DATE: 11/13/1997
ISSUE DATE: 01/23/2001

SERIAL NUMBER: 09314456
PATENT NUMBER: 6210894

FILING DATE: 05/18/1999
ISSUE DATE: 04/03/2001

SERIAL NUMBER: 09662066
PATENT NUMBER: 6337393

FILING DATE: 09/14/2000
ISSUE DATE: 01/08/2002

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT OF PATENT RIGHTS

For good and valuable consideration, the receipt of which is hereby acknowledged, ProtoGene Laboratories, Inc., a Delaware corporation, with its principal address at P.O. Box 98, Belmont, California 94002-0098 ("Assignor"), does hereby sell, assign, transfer and convey unto Metragen, Inc., a Delaware corporation, having its principal address at 1245 Lincoln Avenue, Palo Alto, California 94301 ("Assignee") or its designees, all of Assignor's right, title and interest in and to the patent applications and patents listed below, any patents issuing on any patent applications listed below, the inventions disclosed in any of the foregoing, any and all counterpart United States, international and foreign patents, applications and certificates of invention based upon or covering any portion of the foregoing and all reissues, divisionals, renewals, extensions, provisionals, continuations and continuations-in-part of any of the foregoing (collectively "Patent Rights"):

Assignor's Intellectual Property**I. UNITED STATES****A. Six Issued U.S. Patents**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface
Inventor(s): Thomas M. Brennan
Serial No: 08/068,540
Filed: May 27, 1993
Patent No: 5,474,796 ("1st Surface Tension Patent")
Issued Date: December 12, 1995
Howrey No: 05871.0002.US01
Action Item: 2nd maintenance fee due June 12, 2003

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface
Inventor(s): Thomas M. Brennan
Serial No: 08/465,761
Filed: June 6, 1995
Patent No: 5,985,551 ("2nd Surface Tension Patent")
Issued Date: November 16, 1999
Howrey No: 05871.0002.US02
Action Item: 1st maintenance fee due May 16, 2003

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Title: Apparatus for Diverse Chemical Synthesis Using Two-Dimension Array
Inventor(s): Thomas M. Brennan
Serial No: 08/792,356
Filed: February 5, 1997
Patent No: 6,001,311 ("Mechanical Patent")
Issued Date: December 14, 1999
Howrey No: 05871.0005.US00 (Prosecution handled by Flehr, now merged into Dorsey & Whitney))
Action Item: 1st maintenance fee due June 14, 2003

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Serial No: 08/970,115
Filed: November 13, 1997
Patent No: 6,177,558 ("1st Solvent System Patent")
Issued Date: January 23, 2001
Howrey No: 05871.0004.US00
Action Item: 1st maintenance fee due July 23, 2004

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface
Inventor(s): Thomas M. Brennan
Serial No: 09/314,456
Filed: May 18, 1999
Patent No: 6,210,894 ("3rd Surface Tension Patent")
Issued Date: April 3, 2001
Howrey No: 05871.0002.US03
Action Item: 1st maintenance fee due October 3, 2004

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Serial No: 09/662,066
Filed: September 14, 2000
Patent No: 6,337,393 ("2nd Solvent System Patent")
Issued Date: January 8, 2002
Howrey No: 05871.0004.CNUS02
Action Item: 1st maintenance fee due July 8, 2005

B. Six Pending U.S. Applications

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface ("Surface Tension Application")
Inventor(s): Thomas M. Brennan
Serial No: 09/715,426
Filed: November 16, 2000
Howrey No: 05871.0002.CNUS05
Action Item: Filed Response to Restriction Requirement in June 2002. No action due until at least December 2002.

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences ("1st Gene Assembly Application")
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker
Serial No: 09/264,388
Filed: March 8, 1999
Howrey No: 05871.0003.US00
Action Item: Filed Notice of Appeal in April 2002. Action due November 2002.

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences ("2nd Gene Assembly Application")
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker
Serial No: 09/519,927
Filed: March 7, 2000
Howrey No: 05871.0003.US01
Action Item: Filed Response to Office Action in January 2002. No action due until at least December 2002.

Title: Method and Apparatus for Performing Large numbers of Reactions Using Array Assembly ("1st Array PCR application")
Inventor(s): Thomas M. Brennan et al.
Serial No: 09/684,736
Filed: October 6, 2000
Howrey No: 05871.0010.US01
Action Item: Response to Office Action due August 2002 with extensions to November 2002.

Title: Method and Apparatus for Performing Large numbers of Reactions Using Array Assembly ("2nd Array PCR application")
Inventor(s): Thomas M. Brennan et al.
Serial No: 09/686,597
Filed: October 10, 2000
Howrey No: 05871.0010.CPUS02
Action Item: Filed Response to Office Action in June 2002. No action due until at least December 2002.

Title: Method and Apparatus for In Situ Synthesis on a Solid Support ("Long Oligo Synthesis Application")
Inventor(s): John Butler and Thomas M. Brennan
Serial No: 09/645,021
Filed: August 23, 2000
Howrey No: 05871.0002.CPUS04
Action Item: Response to Office Action due October 2002 with extensions to January 2003.

II. INTERNATIONAL PATENTS AND APPLICATIONS

A. Issued International Patents (All Surface Tension Patents)

EUROPE

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support
Inventor(s): Thomas M. Brennan
Serial No: 94919240.5
Filed: May 25, 1994
Patent No: 0703825
Issued: July 30, 1997
Howrey No: 05871.0002.EP01
Action Item: None

GERMANY

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support
Inventor(s): Thomas M. Brennan
Serial No: 94919240.5
Filed: May 25, 1994
Patent No: 69404657
Issued: July 30, 1997
Howrey No: 05871.0002.DE01
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

FRANCE

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support
Inventor(s): Thomas M. Brennan
Serial No: 94919240.5
Filed: May 25, 1994
Patent No: 0703825
Issued: July 30, 1997
Howrey No: 05871.0002.FR01
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

GREAT BRITAIN

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support
Inventor(s): Thomas M. Brennan
Serial No: 94919240.5
Filed: May 25, 1994
Patent No: 0703825
Issued: July 30, 1997
Howrey No: 05871.0002.GB01
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

ITALY

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support
Inventor(s): Thomas M. Brennan
Serial No: 94919240.5
Filed: May 25, 1994
Patent No: 0703825
Issued: July 30, 1997
Howrey No: 05871.0002.IT01
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

CANADA

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support
Inventor(s): Thomas M. Brennan
Patent No: 2163781
Filed: May 25, 1994
Issued: October 17, 2000
Howrey No: 05871.0002.CA01
Action Item: Annuity due May 25 each year. Already paid Year 2002 annuity.

B. Pending International Applications**Surface Tension Series**

Title: Method and Apparatus for Conducting an Array of Chemical Reactions on a Support Surface
Inventor(s): Thomas M. Brennan
Country: Japan
Serial No: 500936/95
Filed: May 25, 1994
Howrey No: 05871.0002.JP01
Action Item: Requested examination in May 2001. No action is due in 2002.

Long Oligo Synthesis Series

Title: Method and Apparatus for In Situ Synthesis on a Solid Support
Inventor(s): John Butler and Thomas M. Brennan
Country: PCT
Serial No. PCT/US01/26041
Filed: August 17, 2001
Howrey No: 05871.0002.00PC04
Action Item: Chapter II Demand filed in March 2002. National phase is due February 2003.

Gene Assembly Series

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker
Country: Europe
Serial No: 00914914.7
Filed: March 7, 2000
Howrey No: 05871.0003.PCEP00
Action Item: No action is due in 2002.

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker
Country: Japan
Serial No: 2000-604052
Filed: March 7, 2000
Howrey No: 05871.0003.PCJP00
Action Item: No action is due in 2002.

Title: Methods and Compositions for Economically Synthesizing and Assembling Long DNA Sequences
Inventor(s): Thomas M. Brennan and Herbert L. Heynecker
Country: Taiwan
Serial No: 89104062
Filed: March 7, 2000
Howrey No: 05871.0003.TW00
Action Item: No action is due in 2002.

Solvent System Series

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Europe
Serial No: 1042337
Filed: April 28, 2000
Howrey No: 05871.0004.EP00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Australia
Serial No: 13877/99
Filed: November 10, 1998
Howrey No: 05871.0004.AU00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Canada
Serial No: 2.309.927
Filed: November 10, 1998
Howrey No: 05871.0004.CA00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Japan
Serial No: 2000-521104
Filed: November 10, 1998
Howrey No: 05871.0004.JP00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Mexico
Serial No: 0004596
Filed: November 10, 1998
Howrey No: 05871.0004.MX00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Norway
Serial No: 13877/99
Filed: November 10, 1998
Howrey No: 05871.0004.NO00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Yugoslavia
Serial No: p-290/00
Filed: November 10, 1998
Howrey No: 05871.0004.YU00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Poland
Serial No: P-340828
Filed: November 10, 1998
Howrey No: 05871.0004.PL00
Action Item: No action is due in 2002.

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: China
Serial No: 98812350.9
Filed: June 19, 2000
Howrey No: 05871.0004.CN00

Title: Method and Compositions for Chemical Synthesis Using High Boiling Point Organic Solvents to Control Evaporation
Action Item: No action is due in 2002.
Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Korea
Serial No: 7005197/2000
Filed: November 10, 1998
Howrey No: 05871.0004.KR00
Action Item: No action is due in 2002.

Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: Israel
Serial No:
Filed: November 10, 1998
Howrey No: 05871.0004.IL00
Action Item: No action is due in 2002.

Inventor(s): Thomas M. Brennan and Albrecht W. Frauendorf
Country: New Zealand
Serial No: 505083
Filed: November 10, 1998
Howrey No: 05871.0004.NZ00
Action Item: No action is due in 2002.

Tm Optimization Series

Title: Methods for Optimizing Hybridization Performance of Polynucleotide Probes and Localizing and Detecting Sequence Variation
Inventor(s): Maureen Cronin, Thomas M. Brennan, and Felix W. Frueh
Country: PCT
Serial No: PCT/US01/07775
Filed: March 9, 2001
Howrey No: 05871.0006.PC00
Action Item: National Phase filings are due September 9, 2002: Australia (about \$2.5K); Canada (about \$1.5K); Europe (about \$8K); Japan (about \$10K including about \$7K translation fee)

Array PCR Series

Title: Method and Apparatus for Performing Large Numbers of Reactions
Using Array Assembly
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger
Country: Europe
Serial No: 1235932
Filed: October 6, 2000
Howrey No: 05871.0010.PCEP00
Action Item: No action is due in 2002.

Title: Method and Apparatus for Performing Large Numbers of Reactions
Using Array Assembly
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger
Country: Canada
Serial No:
Filed: October 6, 2000
Howrey No: 05871.0010.PCCA00
Action Item: No action is due in 2002.

Title: Method and Apparatus for Performing Large Numbers of Reactions
Using Array Assembly
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger
Country: Australia
Serial No: 10757/01
Filed: October 6, 2000
Howrey No: 05871.0010.PCAU00
Action Item: No action is due in 2002.

Title: Method and Apparatus for Performing Large Numbers of Reactions
Using Array Assembly
Inventor(s): Thomas M. Brennan, Francois Chatelain and Mark Berninger
Country: Taiwan
Serial No: 89121059
Filed: October 9, 2000
Howrey No: 05871.0010.TW00
Action Item: No action is due in 2002.

Assignor represents, warrants and covenants that: (i) it is the sole owner, assignee and holder of record title to the Patent Rights identified above, and (ii) it has full power and authority to make the present assignment.

Assignor further agrees to and hereby does sell, assign, transfer and convey unto Assignee all rights: (i) in and to causes of action and enforcement rights for the Patent Rights including all rights to pursue damages, injunctive relief and other remedies for past and future infringement of the Patent Rights, and (ii) to apply in any or all countries of the world for patents, certificates of invention or other governmental grants for the Patent Rights, including without limitation under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperation Treaty, or any other convention, treaty, agreement or understanding. Assignor also hereby authorizes the respective patent office or governmental agency in each jurisdiction to issue any and all patents or certificates of invention which may be granted upon any of the Patent Rights in the name of Assignee, as the assignee to the entire interest therein.

Assignor will, at the reasonable request of Assignee and without demanding any further consideration therefor, do all things necessary, proper, or advisable, including without limitation the execution, acknowledgment and recordation of specific assignments, oaths, declarations and other documents on a country-by-country basis, to assist Assignee in obtaining, perfecting, sustaining, and/or enforcing the Patent Rights.

The terms and conditions of this Assignment shall inure to the benefit of Assignee, its successors, assigns and other legal representatives, and shall be binding upon Assignor, its successor, assigns and other legal representatives.

* * *

IN WITNESS WHEREOF this Assignment of Patent Rights is executed at Palo Alto, CA,
on December 20, 2002.

ASSIGNOR

PROTOGENE LABORATORIES, INC.

By: [Signature]Name: DAVID L. FANNTitle: Chairman

(Notarization Required)

[Signature]
Name

State of California)County of San Clara)

On December 20, 2002, before me, Susan Parsons,
personally appeared David Fann.
☐ personally known to me or ☒ proved to me
on the basis of satisfactory evidence, to be the
person whose name is subscribed to the within
instrument and acknowledged to me that he/she
executed the same in his/her authorized capacity,
and that by his/her signature on the instrument
the person or the entity upon behalf of which the
person acted, executed the instrument.

WITNESS my hand and official seal

[Signature]
(Notary Public)

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